

BZA 11-91 Secretary's Report

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1. Only one bulletin board sign shall be permitted for Wilbur Middle School and it shall be no larger than 48 square feet nor taller than 20 feet. The sign may be lighted internally with white light only.
2. The sign shall be located along Tyler Road in the area between the two existing driveways and no portion of the sign may overhang public right-of-way.
3. The sign shall "advertise" only events associated with Wilbur Middle School.
4. No portable signs shall be permitted on this property as long as the bulletin board sign remains on the property.
5. If the sign code is changed in the future to permit 48-square-foot bulletin board signs for schools located on arterial streets, the conditions of this resolution shall be null and void.

June 25, 1991

SECRETARY'S REPORT

CASE NUMBER: BZA 11-91

OWNER/APPLICANT/AGENT: Wilbur Middle School (applicant)
Gerald Hazell, Donrey Outdoor Advertising (agent)
Lenora Schuldt, Wilbur PTA (agent)

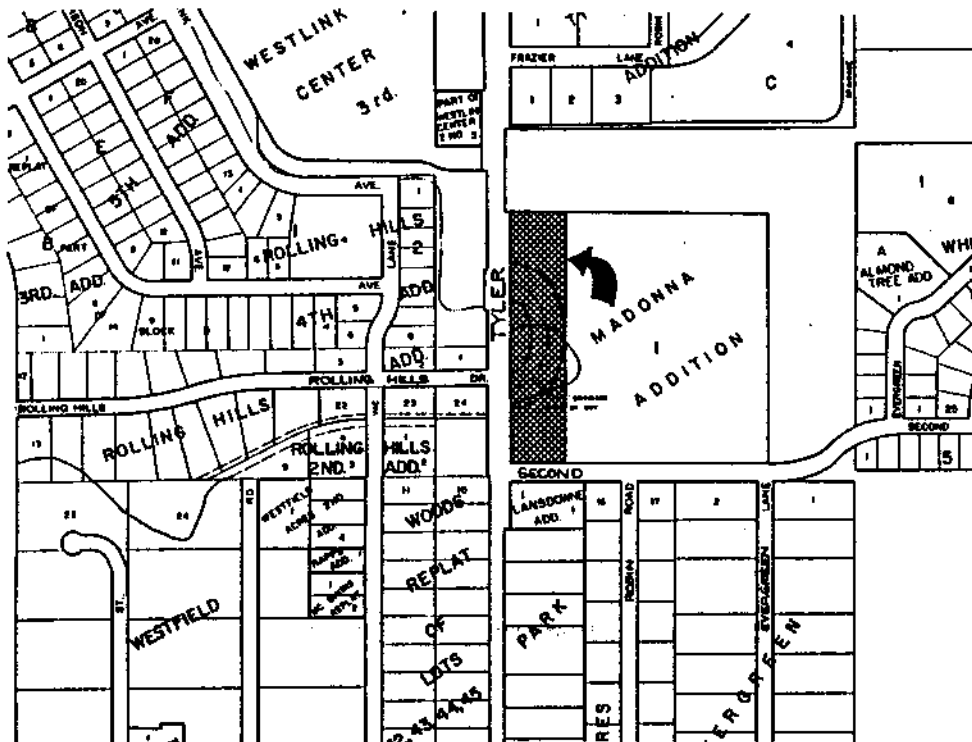
REQUEST: Variance to increase the size of a bulletin board sign from 25 sq. ft. to 48 sq. ft.

CURRENT ZONING: "AA" One-Family Dwelling District

SITE SIZE: 200 ft. x 960 ft.

LOCATION: East side of Tyler Road in an area north of Second Street.

PROPOSED USE: Bulletin board sign.



JURISDICTION: The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590.B, Code of the City of Wichita. The Board may grant the request when all five conditions, as required by the State Statutes, are found to exist.

BACKGROUND: Prior to sign code amendments in 1990, churches and schools in the "AA" One-Family Dwelling District were limited to bulletin board signs of 25 square feet or less. A bulletin board sign is defined in the sign code as: "An on-site sign containing the name of the institution or organization, and may also include names of persons connected with it, announcements of persons, events or activities occurring at the institution. Such sign may also present a greeting or similar message. Bulletin board signs may be internally illuminated with white light. Since the sign code amendments, churches located on collectors, arterials and expressways are now allowed to have 48-square-foot bulletin board signs, but the size limitation for schools remains at 25 square feet. This probably should be changed, as the two uses are very similar in their needs to "advertise" activities associated with their organizations.

Wilbur Middle School is located on a 21-acre lot at the northeast corner of Tyler and Second. The application area includes the west 200 feet of their entire lot, which has 960 feet of frontage on Tyler. The proposed sign location is to be in approximately the center of the Tyler frontage, about 140 feet south of the north driveway. There is currently a small monument identification sign in this area which will remain. The proposed bulletin board sign will be a double-faced, 6-foot by 8-foot non-illuminated sign with white faces, a red metal frame, and a black pole with 11 feet of clearance between the ground and the bottom of the sign.

In 1977, a similar request was made by Bishop Carroll High School located on Central, just 1/2-mile east of Tyler. That request was approved. The current application for Wilbur Middle School differs from the Bishop Carroll request only in relation to surrounding properties. The uses across Central from the Bishop Carroll sign are commercial, while the uses across Tyler from the Wilburn sign are residential. Both Central and Tyler are major arterials, however, carrying more than 15,000 vehicles per day at 40 m.p.h. speeds. Beginning 300 feet north of Wilbur Middle School and continuing all the way to Central, there are commercial uses with numerous pole signs. The right-of-way width for Tyler varies from 80 feet to 100 feet, which will provide some degree of separation between the proposed sign and the houses on the west side of the street.

The sign code allows institutional uses to have one portable sign per zoning lot and that sign may be up to 60 square feet in size. Of the two alternatives (bulletin board and portable), the 48-square-foot bulletin board sign is better as far as impact on the neighborhood is concerned. With the reader board being 11 feet above the ground, letter tampering, which often occurs on more accessible portable signs, should not be a problem.

The school has spent considerable time on this sign project already and, after one and one-half years of fundraising, the sign was purchased. A permit had even been issued for installation of the sign

before it was realized that the sign code changes applied only to churches, not schools, on arterials in residential districts. The permit was rescinded and the applicants filed this variance request.

ADJACENT ZONING AND LAND USE:

NORTH	"AA"	Undeveloped U.S.D. #259 property
SOUTH	"BB"	Dental office
EAST	"AA"	School and undeveloped U.S.D. #259 property
WEST	"AA"	One-family dwellings

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as it is 21 acres in size with 960 feet of frontage on a major arterial and it accommodates a public middle school which has numerous community-interest events, even though the property is zoned the "AA" One-Family Dwelling District.

ADJACENT PROPERTY: It is the opinion of staff that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as property to the south is zoned and used for offices, property to the north and east is owned by the school district, which owns Wilbur Middle School, and residential properties to the west are separated from the application area by 80 to 100 feet of right-of-way for Tyler Road, a major arterial street which carries more than 15,000 vehicles per day at 40 m.p.h. speeds.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the 25-square-foot bulletin board sign limitation is insufficient to provide adequate public notification of school events on a major arterial such as Tyler.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as the sign will not encroach any needed street right-of-way or utility easements, nor will it obstruct any line of vision for the vehicular travelling public.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the ordinance already provides for 48-square-foot bulletin board signs for churches located on arterial streets in residential districts and schools are institutional uses with similar needs for "advertising" events associated with the institution.

RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of a variance can be found to exist, then it is the recommendation of the Secretary that the variance be granted, subject to the following conditions:

WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4581

July 1, 1991

Gerald Hazell
Donrey Outdoor Advertising
3405 N. Hydraulic
Wichita, KS 67219

Re: BZA 11-91 - Variance to increase the size of a bulletin board sign from 25 sq. ft. to 48 sq. ft. on property zoned "AA" One-Family Dwelling District, located on the east side of Tyler Road in an area north of 2nd Street (340 N. Tyler).

Dear Mr. Hazell:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on June 25, 1991. This resolution reflects the official action of the Board to grant your request and sets out the conditions of approval. It is forwarded to you for your information and files.

Sincerely,


Louise Olivarez, Secretary
Board of Zoning Appeals

LO:jcm
Enclosure

cc: Wilbur Middle School, 340 N. Tyler, 67212
Lenora Schuldt, 1736 Valleyview Ct., 67212
Paul Hays, OCI
Lance Flowers, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk

West 200 feet of Lot 1, Madonna Addition, Wichita, Sedgwick County, Kansas. Generally located on the east side of Tyler Road in an area north of Second Street (340 N. Tyler Road).

subject to the following conditions:

1. Only one bulletin board sign shall be permitted for Wilbur Middle School and it shall be no larger than 48 square feet nor taller than 20 feet. The sign may be lighted internally with white light only.
2. The sign shall be located along Tyler Road in the area between the two existing driveways and no portion of the sign may overhang public right-of-way.
3. The sign shall "advertise" only events associated with Wilbur Middle School.
4. No portable signs shall be permitted on this property as long as the bulletin board sign remains on the property.
5. If the sign code is changed in the future to permit 48-square-foot bulletin board signs for schools located on arterial streets, the conditions of this resolution shall be null and void.

ADOPTED AT WICHITA, KANSAS, this 25th day of June, 1991.



Keith A. Alter, President

ATTEST:



Louise Olivarez, Secretary

BZA RESOLUTION NO. 11-91

WHEREAS, Wilbur Middle School, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to increase the size of a bulletin board sign from 25 sq. ft. to 48 sq. ft. on property zoned the "AA" One-Family Dwelling District and legally described as follows:

West 200 feet of Lot 1, Madonna Addition, Wichita, Sedgwick County, Kansas. Generally located on the east side of Tyler Road in an area north of Second Street (340 N. Tyler Road).

WHEREAS, proper notice as required by ordinance and by the rules of the Board of Zoning Appeals has been given; and

WHEREAS, the Board of Zoning Appeals did, at the meeting of June 25, 1991, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Section 2.12.590.B, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has found that the variance arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant inasmuch as it is 21 acres in size with 960 feet of frontage on a major arterial and it accommodates a public middle school which has numerous community-interest events, even though the property is zoned the "AA" One-Family Dwelling District; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents inasmuch as property to the south is zoned and used for offices, property to the north and east is owned by the school district, which owns Wilbur Middle School, and residential properties to the west are separated from the application area by 80 to 100 feet of right-of-way for Tyler Road, a major arterial street which carries more than 15,000 vehicles per day at 40 m.p.h. speeds; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as the 25-square-foot bulletin board sign limitation is insufficient to provide adequate public notification of school events on a major arterial such as Tyler; and

WHEREAS, the Board of Zoning Appeals has found that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare, due to the fact that the sign will not encroach any needed street right-of-way or utility easements, nor will it obstruct any line of vision for the vehicular travelling public; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as the ordinance already provides for 48-square-foot bulletin board signs for churches located on arterial streets in residential districts and schools are institutional uses with similar needs for "advertising" events associated with the institution; and

WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request be approved for a variance to increase the size of a bulletin board sign from 25 sq. ft. to 48 sq. ft. on property zoned the "AA" One-Family Dwelling District and legally described as follows: